APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
11/13/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,6 and 8-10* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,5,6 and 8-10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: RCE filed on 10/14/08.

2.   Claims 1, 5, 6, 8 – 10 are pending in the case. Claim 1 is independent.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114 was filed in this

application after a decision by the Board of Patent Appeals and Interferences, but

before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or

the commencement of a civil action. Since this application is eligible for continued

examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution

in this application has been reopened pursuant to 37 CFR 1.114. Applicant's

submission filed on 10/14/08 has been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan (US 6665659 B1) [as cited by Applicant] and further in view of

Heninger et al. (US 6470349 B1).

     Regarding independent claim 1,

Logan teaches that at the request of the user, a sort and extract unit processes the citations in the local store to create a filtered, sort set of citations which are passed to a page retriever. The page retriever generates presents the information contained in or cited by these citations to the user at, either by displaying metadata contained in the citation or by using the URL in the citation to fetch data from the original resource described by that citation, or both (Column 1, lines 27 – 59), which meet the limitation of **defining contextual metadata of the source document, wherein the contextual metadata includes a location of the source document;**

Logan teaches that the information distribution system employs an analysis facility which extracts identification and content information from data retrieved via the Internet (Column 1, lines 27 – 59), which meet the limitation of **identifying a target document by a content and contextual data; and**

Logan teaches that the data which is retrieved and analyzed in this fashion may take a variety of forms as illustrated by the HTML Web page, the XML document, etc. The analysis facility coupled to an editing station processes the data from such Internet resources and creates a collection of stored descriptive metadata which are here called "citations" in a citation store (Column 1, lines 27 – 59), which meet the limitation of **saving a bundled target document as the destination document.**

Logan teaches that each of the citations comprises the combination of a "URL" which specifies the Internet address of a particular Internet resource and one or more additional metadata elements ("attributes") (Column 2, lines 5 – 20), which meet the

limitation of **the destination document being a final document that includes the target document bundled with contextual data about the source document**;

Logan teaches that each of the citations created by the analysis facility comprises the combination of a Universal Resource Location "URL" which specifies the Internet address of a particular Internet resource and one or more of the following additional metadata elements ("attributes"): a "passage identification" which specifies the beginning and ending location of an particular segment of the data identified by the URL; and data characterizing the information specified by the passage identification and/or the data specified by the URL by its type, subject matter, or other characteristics (Column 2, lines 5 – 20), which meet the limitation of **bundling the target document, and the contextual metadata of the source document as attributes of the target document; wherein bundling the target document comprises merging the contextual metadata of the source document and the contextual data of the target document as attributes of the target document.**

Logan teaches that if a passage or "fragment" identifier is included in the URI reference then the citation's resource identifier refers only to the sub-component of the containing resource that is identified by the corresponding fragment id internal to that containing resource. When a resource takes the form of an XML document, the URI may designate all or part of the document using an Xpointer (Column 5, lines 41 - 54), which meet the limitation of **wherein defining the contextual metadata of the source document further includes defining a navigation path from the source document to the target document, to enable a client to return to the source document from**

the target document, even if one or more intermediate documents along the

navigation path no longer exist.

Logan does not explicitly teach **automatically synchronizing the destination**

document to the target document.

However, Heninger et al. do teach that in the case of caches, it is also useful to

generate a source command to be placed in your target script referring back to the

source script. This ensures that the target stays synchronized with the source (Column

16, lines 16 – 20), which meet the limitation of **automatically synchronizing the**

destination document to the target document.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the invention of Logan with that of Heninger et al. because such a

combination would provide the users of Logan with a server side scripting language and

programming tool designed to simplify programming for web pages using databases or

other dynamic information (Column 2, lines 49 – 52).

Regarding dependent claims 5 & 6, Logan teaches that if a passage or

"fragment" identifier is included in the URI reference then the citation's resource

identifier refers only to the sub-component of the containing resource that is identified

by the corresponding fragment id internal to that containing resource. When a resource

takes the form of an XML document, the URI may designate all or part of the document

using an Xpointer expressed in accordance with the language specifications set forth in

XML Pointer Language (Xpointer) See http://www.w3.org/TR/xpath (Column 5, lines 41

- 54), which meet the limitations of **defining the contextual metadata of the source document includes defining the address of the source document, and defining the address of the source document includes identifying a URL of the source document**.

Regarding dependent claim 10, Logan teaches that the citation set extractor returns a subset only of the collected citations in database via the Internet to the citation retriever which stores the subset of citations in a local store (Column 3, lines 27 – 32), which meet the limitation of **saving the bundled target document includes saving the destination document on a networked data repository**.

6.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan (US 6665659 B1) and further in view of Heninger et al. (US 6470349 B1) as applied to claims 1 and 5 above, and further in view of Lumsden (US 6006217 A).

Regarding dependent claims 8 and 9, Logan and Heninger et al. do not explicitly teach **defining the contextual metadata of the source document further includes defining input parameters required to generate the target document** and **defining the input parameters includes defining an input search query**.

However, Lumsden teaches that the user fills out the form, specifying the user's search parameters or criteria, which are often in the form of keywords. The user's search parameters or criteria are intended to define a subset of documents from the Internet. The desired documents may be on any database associated with any of the

sites linked together by the Internet (Column 5, line 61 – Column 6, line 3), which meet the limitation of **defining the contextual metadata of the source document further includes defining input parameters required to generate the target document** and **defining the input parameters includes defining an input search query**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Logan and Heninger et al. with that of Lumsden because such a combination would provide the users of Logan and Heninger et al. with *a software implemented process associated with a server employed to provide search information in response to a request from a user at a client for documents available on the Internet matching search criteria* (Column 2, lines 50 – 54).

Response to Arguments

7.   Applicant's arguments filed 10/14/08 have been fully considered but they are not persuasive.

8.   Appellant argues that Logan does not teach the destination document being a final document that includes the target document bundled with contextual data about the source document because Logan only teaches that each citation is an XML document not a target document that has contextual data about another document (p 4).

The Office disagrees.

Logan teaches that each of the citations comprises the combination of a "URL" which specifies the Internet address of a particular Internet resource and one or more additional metadata elements ("attributes") (Column 2, lines 5 – 20).

Logan also teaches that FIG. 1 is a simplified illustration of the general flow of

data which occurs when the preferred embodiment of the invention is used to distribute

information of interest to a user. The system employs a server, shown within the dotted

rectangle 4, to gather data via the Internet 5 *from many different resources* (not shown

in FIG. 1) and then uses the Internet 5 to *supply metadata "citations"* describing that

data to a client computer shown within the dotted rectangle 8 (Column 3, lines 8 – 15).

Therefore, each citation, which is an XML document in and of itself, contains a

URL to a resource from many different resources. It is not understood how a citation,

which represents a location that can be from many different resources, is not a target

document that has contextual data, i.e. URL, about another document, i.e. resource.

Examples of citations are described explicitly by Logan (Column 5, lines 13 – 63).

Finally, Logan teaches that the page retriever presents the information contained

in or cited by these citations to the user by *using the **URL in the citation*** to fetch data

from the original resource described by that citation (Column 1, lines 27 – 59).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NATHAN HILLERY whose telephone number is

(571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00

p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, W Doug Hutton can be reached on (571) 272-4137. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Nathan Hillery/
Examiner, Art Unit 2176